

ORDINANCE NO. 3869

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC 4.04 TO ALLOW FOR EXPANDED USES AND SIMPLIFIED PROCEDURES FOR CERTAIN SEASONAL CONCESSION AGREEMENTS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, local jurisdictions across the country are seeking alternative means to increase revenues;

WHEREAS, there are several initiatives operated by these local jurisdictions that seek to create alternative revenue streams to help support parks and/or other government services;

WHEREAS, the City of Edmonds has recognized this as an area of interest in the Parks, Recreation, and Open Space (“PROS”) plan adopted by the City Council in December 2008; and

WHEREAS, the City wishes to revise its municipal code to adopt provisions to allow for expanded uses of and simplified procedures for certain seasonal concession agreements within the city; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 4.04 of the ECC Concession Agreements is hereby amended to read as follows (new language is underlined):

4.04.010 Concession agreements.

A concession agreement is a lease of public property or city right-of-way. Decisions to lease city property or public right-of-way are legislative decisions to be granted at the sole discretion of the city council.

By way of illustration and not limitation, a concession agreement may provide for the lease of public property or right-of-way for private use to vend food, ~~or~~ beverages, or merchandise, provide classes or other forms of instruction for a fee or other valuable consideration, rent bicycles, roller skates, fishing equipment or other uses which the city council, in its sole discretion, believes are consistent with the public's full use and enjoyment of park, public property or right-of-way, or enhance the general atmosphere of the community. [Ord. 3604 § 1, 2006].

4.04.020 Concession agreements on public property.

A. "Public property" shall mean any property in fee by the city of Edmonds.

B. Concession agreements may be granted at the sole discretion of the city council from time to time as it deems appropriate, with the exception that the mayor shall have the discretion to grant certain seasonal concession agreements, subject to the limitations set forth in Section D, below. The revenue from the lease of public property shall accrue to the general fund; provided, however, that concession agreements for lease of property owned, purchased or utilized by a utility or other special purpose fund shall accrue to that fund.

C. Such agreements shall be approved by the city council in a form created and approved by the city attorney. Lessees shall provide proof of insurance in a minimum of \$1,000,000 per occurrence and \$5,000,000 in the aggregate, or as recommended by the Washington Cities Insurance Authority, and shall fully indemnify and hold harmless the city, its officers, agents, employees and volunteers.

D. A Concession agreements relating to park property shall comply in all respects with the a-park plan adopted as a part of the city's comprehensive plan. A concession agreement shall be approved only if, at the determination of the parks and recreation director, it is in line with the goals and objectives of that plan, and is appropriate for the particular park(s) in which the concession is to be located. Seasonal concession agreements, which are defined as those under which the vendor operates the concession only during the annual high season (usually May through September), may be granted by the mayor without city council approval or public hearing requirements. Seasonal concession agreements may be located in regional or community parks only, as defined in the park plan, and are subject

to annual review and approval by the mayor and the parks and recreation director prior to renewal. ~~No concession agreement shall be approved for park property until approved in the applicable portion of the comprehensive plan parks element.~~

E. Concession agreements relating to ~~park~~ city property, other than city park property, shall be approved only after a public hearing. Notice of the public hearing shall be posted at ~~least at three locations at the perimeter of the park property and~~ at the site sought for lease by a concessionaire. Concession agreements for city park property are not subject to public hearing requirements. [Ord. 3604 § 1, 2006].

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFFREY B. TARADAY

FILED WITH THE CITY CLERK:	01-20-2012
PASSED BY THE CITY COUNCIL:	01-23-2012
PUBLISHED:	01-29-2012
EFFECTIVE DATE:	02-03-2012
ORDINANCE NO. 3869	

SUMMARY OF ORDINANCE NO. 3869

of the City of Edmonds, Washington

On the 23rd day of January, 2012, the City Council of the City of Edmonds, passed Ordinance No. 3869. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC 4.04 TO ALLOW FOR EXPANDED USES AND SIMPLIFIED PROCEDURES FOR CERTAIN SEASONAL CONCESSION AGREEMENTS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 24th day of January, 2012.


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

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The full text of this Ordinance will be mailed upon request.
DATED this 24th day of January, 2012.

CITY CLERK, SANDRA S. CHASE

Published: January 29, 2012.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3869

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

January 29, 2012

and that said newspaper was regularly distributed to its subscribers during all of said period.

Karen E. Zamer

Principal Clerk

Subscribed and sworn to before me this

30th

day of January, 2012

[Signature]
Notary Public in and for the State of Washington, residing at Everett, Snohomish County.